

EXHIBIT D



RE: BASF v Cheminova

Robert.Burns to: Kripa Raman

01/31/2011 04:34 PM

Cc: John.Cox, pmillen, rkoch, Christopher.Kelly, Steven.DAlessandro,
joshua.krumholz, John.Moran

From: Robert.Burns@hklaw.com
To: Kripa Raman/PaulWeiss@PaulWeiss
Cc: John.Cox@alston.com, pmillen@wcsr.com, rkoch@milbank.com,
Christopher.Kelly@hklaw.com, Steven.DAlessandro@hklaw.com,
joshua.krumholz@hklaw.com, John.Moran@hklaw.com

History: This message has been replied to and forwarded.

Kripa:

We're considering this proposed schedule, and will provide you with our thoughts tomorrow morning. One issue we do need to revisit is the scheduling of the Markman hearing and the scheduling of Markman-limited expert depositions in advance thereof. If plaintiffs are taking the positions that they will allow no expert depositions until the full-scale expert depositions provided in the proposed schedule, and that no Markman hearing should be scheduled in advance of these depositions, this will be a problem for us. Are you available for a call tomorrow morning to discuss?

We're still awaiting availabilities for the rescheduled Rasmussen deposition. We'll have dates to you in the next 48 hours.

Finally, our notes reference a Bayer deposition tentatively scheduled for this Friday. Is that proceeding? If so, could you please provide us with details as to where, when, and whom?

Thanks,
Bob

From: Kripa Raman [mailto:KRaman@paulweiss.com]
Sent: Monday, January 31, 2011 12:54 PM
To: Burns, Robert J (NYC - X73490)
Cc: John.Cox@alston.com; pmillen@wcsr.com; rkoch@milbank.com
Subject: Fw: BASF v Cheminova

Bob -

Further to my voicemails of Friday and today, please confirm that you have no objection to the attached schedule, which captures the parties' prior agreement to amend the case schedule to postpone expert reports and other fact and expert discovery deadlines so as to conform to the schedule in the MANA case. This prior agreement to amend the case schedule has been the operating assumption under which we have agreed to the current deposition schedule.

Also, let us know where we stand on the Rasmussen deposition. At your request, we had agreed to defer seeking the depositions of other Cheminova witnesses such as Wayne Wang until after

we determined whether Mr Rasmussen's deposition would obviate the need for the additional depositions. Depending on when we can do Mr Rasmussen deposition, we will likely have to further reconfigure deposition dates and other discovery deadlines in the case.

- Kripa

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----- Forwarded by Kripa Raman/PaulWeiss on 01/31/2011 12:52 PM -----

From: Kripa Raman/PaulWeiss
To: Robert Burns@hklaw.com
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Date: 01/28/2011 04:20 PM
Subject: Re: BASF v. Cheminova

Bob -

Following up on my voicemail to you, please let me know where we stand with respect to the below proposed amended schedule.

Also, when is Mr Rasmussen available for his deposition?

- Kripa

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D
at 01/26/2011 04:40 PM

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ct Re: BASF v. Cheminova

Bob -

Pursuant to our prior discussions regarding deposition and scheduling issues, I attach a draft of a motion for an amended scheduling order which conforms the schedule to match the one in the MANA case. Let me know if this works. If not, please let me know when you are available to discuss - it seems we need to get something on file with the Court to make clear that the parties are not serving expert reports next week per the existing schedule

- Kripa

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